Express Mail Label No.	Dated: _____

Docket No.: 09857/0202272-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiyoshi Fujiwara et al.

Application No.: 10/520,901

Confirmation No.: 2780

Filed: January 7, 2005

Art Unit: N/A

For: ONCOLYTIC VIRUS REPLICATING
SELECTIVELY IN TUMOR CELLS

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATION CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

MS Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated July 29, 2005. Applicants are submitting their response herewith within the two-month response period set to expire on September 29, 2005.

The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" in computer readable form did not comply with the requirements of Section 1.824 for the stated reason that it contained several raw sequence listing errors. However, we noticed that the copy of the Sequence Listing attached to the above-mentioned notice is different from the one we previously submitted in response to the Notice to Comply with Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated May 17, 2005. A copy of the documents submitted on June 29, 2005 is enclosed.
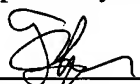
{W:\09857\0202272us0\00507114.DOC IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII }

Resubmitted herewith in connection with the above-referenced patent application is a substitute, computer readable copy of the Sequence Listing that corrects the defects noted in the raw sequence listing. This is the same copy of the Sequence Listing submitted on June 29, 2005. No new matter has been added to the substitute Sequence Listing.

Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

Dated: August 23, 2005

Respectfully submitted,

By _____ (53,970)

Chris T. Mizumoto
   Registration No.: 42,899
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
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Attorneys/Agents For Applicant

Pet

OIPE JC151
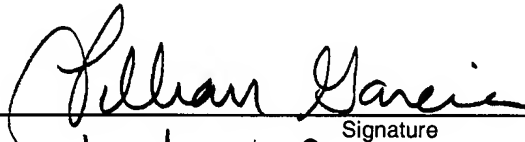AUG 23 2005
PATENT & TRADEMARK OFFICE

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No.   in an envelope addressed to:

EV 691 013 229 - US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____August 23, 2005_____
                Date

_____
                            Signature

Lillian Garcia
_____
Typed or printed name of person signing Certificate

_____   _____
Registration Number, if applicable   Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify
        each submitted paper.

        - Response to Notice to Comply with Requirements for Patent Application
          Containing Nucleotide Sequence and/or Amino Acid Sequence
          Disclosures (2 pgs)
        - A Copy of Notification (2 pgs) w/ a Copy of Error Report (7 pgs)
        - Statement Pursuant to 37 CFR 1.821 (f) (2 pgs)
        - A Paper Copy of Sequence Listing (4 pgs)
        - One (1) Sequence Lisitng Diskette
        - A Copy of Documents Submitted on June 29, 2005 (12 pgs)
        - Return Receipt Postcard

UNITED STATES PATENT AND TRADEMARK OFFICE

C. T. Mizumoto

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,901	Toshiyoshi Fujiwara	09857/0202272-US0

INTERNATIONAL APPLICATION NO.	
PCT/JP03/08573	

I.A. FILING DATE	PRIORITY DATE
07/07/2003	07/08/2002

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

DUE: *Sept. 29, 2005*

Docketed on *8/3/05* by *LIG* for

Docketed without file ☐

Attorney _____

CONFIRMATION NO. 2780

371 FORMALITIES LETTER

OC000000016650574

Date Mailed: 07/29/2005

2/28/06

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY. DOCKET NO.
10/520,901	PCT/JP03/08573	09857/0202272-US0

FORM PCT/DO/EO/922 (371 Formalities Notice)

56820

STIC Biot●nology Systems Branch

RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: _10/520,901_
Source: _PCT/10_
Date Processed by STIC: _1/24/05_

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**
FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.2.2 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
    http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

Mail this report with the notice.

Winston Alvarado
National Stage Processing
Paralegal Specialist
(703) 305-6421

Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: *10/520,901*

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1_____Wrapped Nucleics The number/text at the end of each line "wrapped" down to the next line. This may occur if your file
Wrapped Aminos was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."

·2_____Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.

3_____Misaligned Amino The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers;
Numbering use space characters, instead.

4_____Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.

5_____Variable Length Sequence(s)_____contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.

6_____PatentIn 2.0 A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid
"bug" sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. **This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.**

7_____Skipped Sequences Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(OLD RULES) (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i)   SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.

8_____Skipped Sequences Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
(NEW RULES) <210> sequence id number
<400> sequence id number
000

9_____Use of n's or Xaa's Use of n's and/or Xaa's have been detected in the Sequence Listing.
(NEW RULES) Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

10_____Invalid <213> Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or
Response scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence

11_____Use of <220> Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses.
FYI Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32)   (Sec. 1.823 of Sequence Rules)

12_____PatentIn 2.0 Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file,
"bug" resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

13_____Misuse of n/Xaa "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

AMC – Biotechnology Systems Branch – 09/09/2003

, PCT

```
RAW SEQUENCE LISTING              DATE: 01/24/2005
PATENT APPLICATION:  US/10/520,901   TIME: 10:01:10

    Input Set : A:\PTO.YF.txt
    Output Set: N:\CRF4\01242005\J520901.raw
```

```
        2 <110> APPLICANT: KANSAI TLO
W-->    3 <120> TITLE OF INVENTION: Selective Replication of Tumor-specific Replication-
competent Adenovirus
W-->    4       on Tumor Cells
W-->    5 <130> FILE REFERENCE: 42002JP
W-->    6 <140> CURRENT APPLICATION NUMBER: 10/520,901
        7 <141> CURRENT FILING DATE: 2005-01-07
W-->    8 <160> NUMBER OF SEQ ID: 8
        9 <170> SOFTWARE: PatentIn Ver. 2.1
       11 <210> SEQ ID NO: 1
       12 <211> LENGTH: 899
       13 <212> TYPE: DNA
       14 <213> ORGANISM: 293 cell
W-->   15 <400> SEQUENCE: 1
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       17 gccgccagtc ttttggacca gctgatcgaa gaggtactgg ctgataatct tccacctcct   120
       18 agccattttg aaccacctac ccttcacgaa ctgtatgatt tagacgtgac ggccccccgaa   180
       19 gatcccaacg aggaggcggt ttcgcagatt tttcccgact ctgtaatgtt ggcggtgcag   240
       20 gaagggattg acttactcac ttttccgccg gcgcccggtt ctccggagcc gcctcacctt   300
       21 tcccggcagc ccgagcagcc ggagcagaga gccttgggtc cggtttctat gccaaacctt   360
       22 gtaccggagg tgatcgatct tacctgccac gaggctggct ttccacccag tgacgacgag   420
       23 gatgaagagg gtgaggagtt tgtgttagat tatgtggagc accccgggca cggttgcagg   480
       24 tcttgtcatt atcaccggag gaatacgggg gacccagata ttatgtgttc gctttgctat    540
       25 atgaggacct gtggcatgtt tgtctacagt cctgtgtctg aacctgagcc tgagcccgag   600
       26 ccagaaccgg agcctgcaag acctacccgc cgtcctaaaa tggcgcctgc tatcctgaga   660
       27 cgcccgacat cacctgtgtc tagagaatgc aatagtagta cggatagctg tgactccggt   720
       28 ccttctaaca cacctcctga gatacacccg gtggtcccgc tgtgccccat taaaccagtt   780
       29 gccgtgagag ttggtgggcg tcgccaggct gtggaatgta tcgaggactt gcttaacgag   840
       30 cctgggcaac ctttggactt gagctgtaaa cgccccaggc cataaggtgt aaacctgtg    899
       32 <210> SEQ ID NO: 2
       33 <211> LENGTH: 1823
       34 <212> TYPE: DNA
       35 <213> ORGANISM: 293 cell
W-->   36 <400> SEQUENCE: 2
       37 ctgacctcat ggaggcttgg gagtgtttgg aagattttтc tgctgtgcgt aacttgctgg    60
       38 aacagagctc taacagtacc tcttggtttt ggaggtttct gtggggctca tcccaggcaa   120
       39 agttagtctg cagaattaag gaggattaca agtgggaatt tgaagagctt ttgaaatcct   180
       40 gtggtgagct gtttgattct ttgaatctgg gtcaccaggc gcttttccaa gagaaggtca   240
       41 tcaagacttt ggattttcc acaccggggc gcgctgcggc tgctgttgct tttttgagtt   300
       42 ttataaagga taaatggagc gaagaaaccc atctgagcgg ggggtacctg ctggattttc   360
       43 tggccatgca tctgtggaga gcggttgtga dacacaagaa tcgcctgcta ctgttgtctt   420
       44 ccgtccgccc ggcgataata ccgacggagg agcagcagca gcagcaggag gaagccaggc   480
       45 ggcggcggca ggagcagagc ccatggaacc cgagagccgg cctggaccct cgggaatgaa   540
       46 tgttgtacag gtggctgaac tgtatccaga actgagacgc attttgacaa ttacagagga   600
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file:///C:\CRF4\OUTHOLD\VsrJ520901.htm   1/24/05

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Output Set: **N:\CRF4\01242005\J520901.raw**

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47 tgggcagggg ctaaaggggg taaagaggga gcggggggct tgtgaggcta cagaggaggc    660
48 taggaatcta gcttttagct taatgaccag acaccgtcct gagtgtatta cttttcaaca    720
49 gatcaaggat aattgcgcta atgagcttga tctgctggcg cagaagtatt ccatagagca    780
50 gctgaccact tactggctgc agccagggga tgattttgag gaggctatta gggtatatgc    840
51 aaaggtggca cttaggccag attgcaagta caagatcagc aaacttgtaa atatcaggaa    900
52 ttgttgctac atttctggga acggggccga ggtggagata gatacggagg ataggggtggc    960
53 ctttagatgt agcatgataa atatgtggcc gggggtgctt ggcatggacg gggtggttat   1020
54 tatgaatgta aggtttactg gccccaattt tagcggtacg gttttcctgg ccaataccaa   1080
55 ccttatccta cacggtgtaa gcttctatgg gtttaacaat acctgtgtgg aagcctggac   1140
56 cgatgtaagg gttcggggct gtgcctttta ctgctgctgg aggggggtgg tgtgtcgccc   1200
57 caaaagcagg gcttcaatta agaaatgcct ctttgaaagg tgtaccttgg gtatcctgtc   1260
58 tgagggtaac tccagggtgc gccacaatgt ggcctccgac tgtggttgct tcatgctagt   1320
59 gaaaagcgtg gctgtgatta agcataacat ggtatgtggc aactgcgagg acagggcctc   1380
60 tcagatgctg acctgctcgg acggcaactg tcacctgctg aagaccattc acgtagccag   1440
61 ccactctcgc aaggcctggc cagtgtttga gcataacata ctgacccgct gttccttgca   1500
62 tttgggtaac aggagggggg tgttcctacc ttaccaatgc aatttgagtc acactaagat   1560
63 attgcttgag cccgagagca tgtccaaggt gaacctgaac ggggtgtttg acatgaccat   1620
64 gaagatctgg aaggtgctga ggtacgatga gacccgcacc aggtgcagac cctgcgagtg   1680
65 tggcggtaaa catattagga accagcctgt gatgctggat gtgaccgagg agctgaggcc   1740
66 cgatcacttg gtgctggcct gcacccgcgc tgagtttggc tctagcgatg aagatacaga   1800
67 ttgaggtact gaaatgtgtg ggc                                            1823
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70 <211> LENGTH: 605
71 <212> TYPE: DNA
72 <213> ORGANISM: 293 cell
```

W--> 73 <400> SEQUENCE: 3

```
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75 agccgcttgg aataaggccg gtgtgcgttt gtctatatgt gattttccac catattgccg    120
76 tcttttggca atgtgagggc ccggaaacct ggccctgtct tcttgacgag cattcctagg    180
77 ggtctttccc ctctcgccaa aggaatgcaa ggtctgttga atgtcgtgaa ggaagcagtt    240
78 cctctggaag cttcttgaag acaaacaacg tctgtagcga cccttttgcag gcagcggaac    300
79 cccccacctg gcgacaggtg cctctgcggc caaaagccac gtgtataaga tacacctgca    360
80 aaggcggcac aaccccagtg ccacgttgtg agttggatag ttgtggaaag agtcaaatgg    420
81 ctctcctcaa gcgtattcaa caaggggctg aaggatgccc agaaggtacc ccattgtatg    480
82 ggatctgatc tggggcctcg gtgcacatgc tttacatgtg tttagtcgag gttaaaaaaa    540
83 cgtctaggcc ccccgaacca cggggacgtg gttttccttt gaaaaacacg atgataagct    600
84 tgcca                                                                605
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87 <211> LENGTH: 455
88 <212> TYPE: DNA
89 <213> ORGANISM: 293 cell
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W--> 90 <400> SEQUENCE: 4

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92 ctcgctggcg tccctgcacc ctgggagcgc gagcggcgcg cgggcgggga agcgcggccc    120
93 agaccccggg tccgcccggg agcagctgcg ctgtcggggc caggccgggc tcccagtgga    180
94 ttcgcgggca cagacgccca ggaccgcgct ccccacgtgg cggagggact ggggacccgg    240
95 gcacccgtcc tgccccttca ccttccagct ccgcctcctc cgcgcggacc ccgccccgtc    300
96 ccgacccctc ccgggtcccc ggcccagccc cctccgggcc ctcccagccc ctcccctccc    360
97 tttccgcggc cccgccctct cctcgcggcg cgagtttcag gcagcgctgc gtcctgctgc    420
```

Input Set : A:\PTO.YF.txt
Output Set: N:\CRF4\01242005\J520901.raw

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     98 gcacgtggga agccctggcc ccggccaccc ccgcg                                    455
    100 <210> SEQ ID NO: 5
    101 <211> LENGTH: 20
    102 <212> TYPE: DNA
    103 <213> ORGANISM: 293 cell
W--> 104 <400> SEQUENCE: 5
    105 acaccgggac tgaaaatgag                                20
    107 <210> SEQ ID NO: 6
    108 <211> LENGTH: 21
    109 <212> TYPE: DNA
    110 <213> ORGANISM: 293 cell
W--> 111 <400> SEQUENCE: 6
    112 cacaggttta caccttatgg c                              21
    114 <210> SEQ ID NO: 7
    115 <211> LENGTH: 20
    116 <212> TYPE: DNA
    117 <213> ORGANISM: 293 cell
W--> 118 <400> SEQUENCE: 7
    119 ctgacctcat ggaggcttgg                                20
    121 <210> SEQ ID NO: 8
    122 <211> LENGTH: 21
    123 <212> TYPE: DNA
    124 <213> ORGANISM: 293 cell
W--> 125 <400> SEQUENCE: 8
    126 gcccacacat ttcagtacct c                              21
```

RAW ⬤ENCE LISTING ERROR SUMMARY ⬤E: 01/24/2005
PATENT APPLICATION: US/10/520,901 TIME: 10:01:11

FYI

Input Set : **A:\PTO.YF.txt**
Output Set: **N:\CRF4\01242005\J520901.raw**

Invalid Line Length:
The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 3
Seq#:2; Line(s) 37,38,39,40,41,42,43,46,48,49,50,53,54,55,56,57,58,61,62,63
Seq#:2; Line(s) 66
Seq#:3; Line(s) 74,75,76,77,81,82,83
Seq#:4; Line(s) 91,95,97

VERI██TION SUMMARY   ██TE: 01/24/2005
PATENT APPLICATION: US/10/520,901   TIME: 10:01:11

Input Set : **A:\PTO.YF.txt**
Output Set: **N:\CRF4\01242005\J520901.raw**

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L:3 M:283 W: Missing Blank Line separator, <120> field identifier
L:5 M:283 W: Missing Blank Line separator, <130> field identifier
L:6 M:283 W: Missing Blank Line separator, <140> field identifier
L:8 M:283 W: Missing Blank Line separator, <160> field identifier
L:15 M:283 W: Missing Blank Line separator, <400> field identifier
L:36 M:283 W: Missing Blank Line separator, <400> field identifier
L:73 M:283 W: Missing Blank Line separator, <400> field identifier
L:90 M:283 W: Missing Blank Line separator, <400> field identifier
L:104 M:283 W: Missing Blank Line separator, <400> field identifier
L:111 M:283 W: Missing Blank Line separator, <400> field identifier
L:118 M:283 W: Missing Blank Line separator, <400> field identifier
L:125 M:283 W: Missing Blank Line separator, <400> field identifier
```

Atty Docket No.: 09857/0202272-US0

Inventor: Toshiyoshi Fujiwara et al.

Appln: 10/520,901-Conf. **Filed:** Jan. 7, 2005

Title: ONCOLYTIC VIRUS REPLICATING SELECTIVELY IN TUMOR CELLS

Documents:
    Certificate of Express Mailing Under 37 CFR 1.10 (1 pg)
    Response to Notice to File Missing parts of application (2 pp)
    Copy of Notice (2 pp)
    1 Sequence Listing Diskette
    Sequence Listing Paper Copy (4 pp)
    Sequence Listing Transmittal (2 pp)

Via: Express Mail: Airbill No. EV 4 4 1 1 6 5 0 4 0 - US

Sender Initials: CTM/mch **Date:** June 29, 2005

Application No. (if known): 10/520,901   Attorney Docket No.: 09857/0202272-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No.   in an envelope addressed to:

EU 4 4 1 1 6 5 0 4 0 -us

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on   June 29, 2005
            Date

B.W. Lee
Signature

B.W. LEE
Typed or printed name of person signing Certificate

_____   _____
Registration Number, if applicable   Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify
       each submitted paper.

Response to Notice to File Missing Parts of Application (2 pp)
Copy of Notice (2 pp)
Statement Pursuant to 37 CFR 1.821(f)(2 pp)
Paper copy of Sequence Listing (4 pp)
1 Sequence Listing Diskette
Return Receipt Postcard

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| Express Mail Label No. | Dated: _____ |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiyoshi Fujiwara et al.

Application No.: 10/520,901

Filed: January 7, 2005

For: ONCOLYTIC VIRUS REPLICATING
    SELECTIVELY IN TUMOR CELLS

Confirmation No.: 2780

Art Unit: N/A

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

MS Missing Parts
Commissioner for Patents
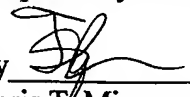P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed May 17, 2005, Applicant respectfully submits a Sequence Listing Diskette, a Sequence Listing Paper Copy, a Statement Pursuant to 37 CFR 1.821(f), and Part 2 Copy of Notice.

The Commissioner is authorized to charge any deficiency of up to $300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: June 29, 2005

Respectfully submitted,

By _____
Chris T. Mizumoto
   Registration No.: 42,899
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New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

M. Hasegawa.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,901	Toshiyoshi Fujiwara	09857/0202272-US0

INTERNATIONAL APPLICATION NO.	
PCT/JP03/08573	
I.A. FILING DATE	PRIORITY DATE
07/07/2003	07/08/2002

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

DUE: July 17, 2005
Docketed on 5/24/05 by LLC for
Docketed without file ☐
Attorney _____

CONFIRMATION NO. 2780
371 FORMALITIES LETTER

OC000000016039886

Date Mailed: 05/17/2005
12/17/05.

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT CO

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,901	PCT/JP03/08573	09857/0202272-US0

FORM PCT/DO/EO/922 (371 Formalities Notice)

Express Mail Label No.   Dated: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiyoshi Fujiwara et al.

Application No.: 10/520,901   Confirmation No.: 2780

Filed: January 7, 2005   Art Unit: N/A

For: ONCOLYTIC VIRUS REPLICATING   Examiner: Not Yet Assigned
___ SELECTIVELY IN TUMOR CELLS

STATEMENT PURSUANT TO 37 CFR 1.821(f)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith for filing in connection with the above-referenced patent application is a labeled, computer readable copy of the Sequence Listing included in the application.

The sequence information in paper copy of the Squence Listing contained on pages 1 to 4 of said Sequence Listing, as required by 37 CFR 1.821(c), and the sequence information in computer readable form of the Sequence Listing described above, as required by 37 CFR 1.821(e), are the same as required by 37 CFR 1.821(f). No new matter is added.

Early favorable consideration of the patent application is respectfully solicited.

Dated:　June 29, 2005

Respectfully submitted,

Fⅼʏɴɴ Bᴀʀʀɪꜱoɴ

By _____ (53,970) _____

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New York, New York 10150-5257
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Attorneys/Agents For Applicant

SEQUENCE LISTING

<110> Fujiwara, Toshiyuki
       Tanaka, Noriaki
       Kyo, Satoru
       Shirakiya, Yoshiko
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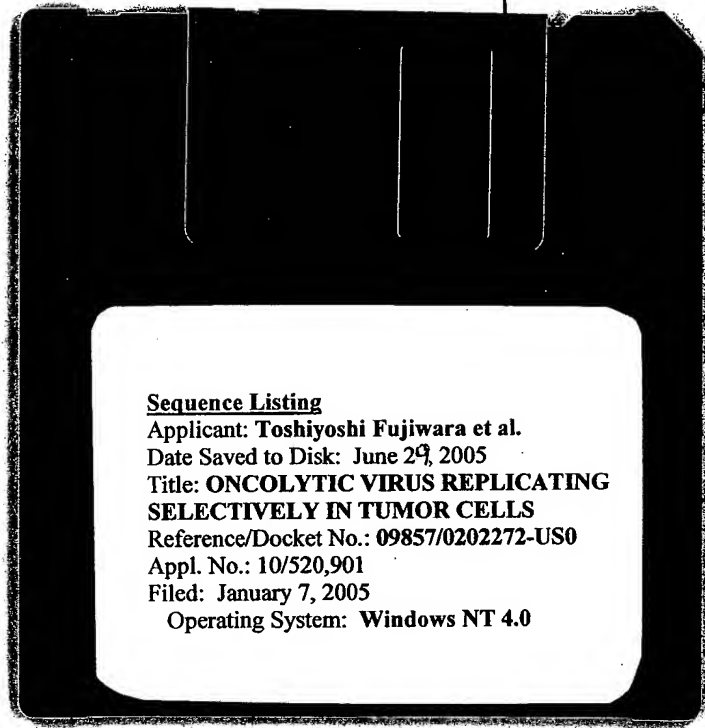

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Sequence Listing
Applicant: **Toshiyoshi Fujiwara et al.**
Date Saved to Disk: June 29, 2005
Title: **ONCOLYTIC VIRUS REPLICATING**
SELECTIVELY IN TUMOR CELLS
Reference/Docket No.: **09857/0202272-US0**
Appl. No.: **10/520,901**
Filed: January 7, 2005
Operating System: **Windows NT 4.0**